

IC 4-23-29

Chapter 29. Governor's Council for People With Disabilities

IC 4-23-29-1

"Act" defined

Sec. 1. As used in this chapter, "act" refers to the federal Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024) and subsequent amendments.

As added by P.L.21-2004, SEC.1.

IC 4-23-29-2

"Board" defined

Sec. 2. As used in this chapter, "board" refers to the board of directors of the council.

As added by P.L.21-2004, SEC.1.

IC 4-23-29-3

"Council" defined

Sec. 3. As used in this chapter, "council" refers to the governor's council for people with disabilities established by section 7 of this chapter.

As added by P.L.21-2004, SEC.1.

IC 4-23-29-4

"Developmental disability" defined

Sec. 4. (a) As used in this chapter, for an individual who is at least five (5) years of age, "developmental disability" means a severe, chronic disability that:

- (1) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (2) is manifested before the individual is twenty-two (22) years of age;
- (3) is likely to continue indefinitely;
- (4) results in substantial functional limitation in three (3) or more areas of major life activity; and
- (5) reflects the individual's need for special, interdisciplinary services, supports, or assistance that are of lifelong or extended duration and are individually planned and coordinated.

(b) As used in this chapter, for an individual less than five (5) years of age, "developmental disability" means:

- (1) substantial developmental delay; or
- (2) specific congenital or acquired conditions;

with high probability of resulting in a developmental disability described in subsection (a) if services are not provided.

As added by P.L.21-2004, SEC.1.

IC 4-23-29-5

"Disability" defined

Sec. 5. As used in this chapter, "disability" means a physical or mental impairment that substantially limits one (1) or more major life

activities.

As added by P.L.21-2004, SEC.1.

IC 4-23-29-6

"Major life activity" defined

Sec. 6. As used in this chapter, "major life activity" includes the following:

- (1) Self-care.
- (2) Receptive and expressive language.
- (3) Learning.
- (4) Mobility.
- (5) Self-direction.
- (6) Capacity for independent living.
- (7) Economic self-sufficiency.

As added by P.L.21-2004, SEC.1.

IC 4-23-29-7

Council established

Sec. 7. The governor's council for people with disabilities is established to:

- (1) implement the act;
- (2) implement the policies established by the board; and
- (3) receive grants from:
 - (A) the federal government;
 - (B) philanthropic foundations; and
 - (C) private sources.

As added by P.L.21-2004, SEC.1.

IC 4-23-29-8

Board of directors; membership

Sec. 8. (a) The board of directors of the council is established.

(b) The following ex officio members are nonvoting members of the board:

- (1) The state superintendent of public instruction or the superintendent's designee.
- (2) The secretary of family and social services or the secretary's designee.
- (3) The commissioner of the state department of health or the commissioner's designee.

(c) The following ex officio members are voting members of the board:

- (1) The executive director of the Indiana protection and advocacy services commission.
- (2) The executive director of the university center for excellence as designated under the act.

(d) The governor shall appoint the following fifteen (15) members to the board for terms of three (3) years or until a successor is appointed:

- (1) Three (3) individuals with developmental disabilities.
- (2) Three (3) individuals who are:

- (A) parents of children with developmental disabilities; or
 - (B) immediate relatives or guardians of adults with developmental disabilities.
- (3) Two (2) individuals who may be:
 - (A) individuals with developmental disabilities; or
 - (B) parents, immediate relatives, or guardians of individuals with developmental disabilities.
- (4) One (1) individual who is institutionalized or was previously institutionalized or the parent, immediate relative, or guardian of an individual who is institutionalized or was previously institutionalized.
- (5) Two (2) individuals with disabilities representing local community or statewide organizations whose stated mission includes fostering the productivity, inclusion, and independence of people with developmental disabilities.
- (6) Two (2) individuals who represent:
 - (A) the community; or
 - (B) a business that has demonstrated a commitment to implementing the federal Americans with Disabilities Act (42 U.S.C. 1201 et seq.).
- (7) Two (2) individuals who represent providers of services to persons with disabilities, including the following:
 - (A) Special education programs.
 - (B) Independent living centers.
 - (C) Community based programs.
 - (D) Health care.
 - (E) Preschool, early intervention programs, or area agencies on aging.
- (e) Of the individuals initially appointed by the governor, at least seven (7) must be chosen from names submitted by the council for consideration.
- (f) Individuals appointed by the governor under subsection (d)(1) through (d)(5) serve at the pleasure of the governor and must have demonstrated an active involvement in the development of disability policy by:
 - (1) serving on boards or commissions; or
 - (2) advocating;on behalf of persons with disabilities.
- (g) A member may not serve more than two (2) consecutive three (3) year terms. The governor shall make appointments not later than October 1 of each year.
- (h) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Members are also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.
- (i) The governor shall appoint a chairperson of the board, who has at least one (1) year of experience as a board member, from among

the members appointed by the governor.

(j) The board shall adopt policies and procedures to carry out the board's duties under:

- (1) the act; and
- (2) this chapter.

(k) The affirmative votes of a majority of the voting members appointed to the board are required for the board to take action on any measure.

As added by P.L.21-2004, SEC.1.

IC 4-23-29-9

Authority to contract

Sec. 9. The council may enter into contracts in accordance with IC 5-22.

As added by P.L.21-2004, SEC.1.

IC 4-23-29-10

Five year plan

Sec. 10. (a) The council shall develop and implement a five (5) year plan adopted by the board for persons with disabilities that meets the requirements of the act and this chapter.

(b) The council shall be funded with federal funds received.

(c) The council shall administer funds received from the following:

- (1) Grants.
- (2) Contracts.
- (3) Interagency agreements.

(d) The council shall finance and implement programs, projects, and activities required under the five (5) year plan adopted by the board, including the following:

- (1) Conducting hearings and forums that the council determines necessary to carry out the duties of the council.
- (2) Conducting at least four (4) business meetings per calendar year.
- (3) Hiring, supervising, and evaluating an executive director.
- (4) Maintaining sufficient staff, supervised by the executive director, to carry out the duties of the council.
- (5) Entering into contracts for services to carry out the council's functions.

As added by P.L.21-2004, SEC.1.

IC 4-23-29-11

Duties

Sec. 11. (a) The council shall advocate on behalf of persons with disabilities by providing information and advice to:

- (1) state and local officials;
- (2) the governor;
- (3) the general assembly; and
- (4) the United States Congress.

(b) The council shall promote private and public sector

partnerships to advance:

- (1) the act;
- (2) the federal Americans with Disabilities Act;
- (3) the federal Fair Housing Act; and
- (4) other legislation that protects and benefits persons with disabilities and families of individuals with disabilities.

(c) The council shall provide leadership in the development, adoption, and implementation of public policy to create partnerships between the public and private sector to advance the goals of:

- (1) independence;
- (2) community inclusion;
- (3) productivity; and
- (4) integration;

of people with disabilities in all aspects of society.

(d) The council is designated as the single state agency to administer the act.

As added by P.L.21-2004, SEC.1.